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AN AUTOMOBILE CASE OF INTEREST

Massachusetts' Supreme Court Decides Against E. L. Dudley of Bridgeport.

(Hartford Courant.)

A Massachusetts statute requires the registering of all motor-cars in use in that state. The law accords fifteen days of grace to a visitor whose car is registered in his home state.

September 13, 1905, E. L. Dudley of Bridgeport, motored across the Massachusetts line. His car had a Connecticut registry and license. He did not flash himself about the Massachusetts statute—possibly didn't even know of it. September 23, 1905—a day after the expiry of those fifteen days of grace—his car was in collision with a trolley car belonging to the Northampton Street Railway company, and was more or less thoroughly wrecked. Dudley himself was hurt. He sued the company, claiming \$10,000 damages. In the superior court Judge Brown decided that he was in no position to recover damages, and he took an appeal.

Tuesday of this week the supreme judicial court of Massachusetts upheld and confirmed Judge Brown's decision. It said:

The plaintiff as a mere trespasser upon the highway was there not only against the right of the owner of the soil and so liable to an action by him, but also against the rights of all other persons who were lawfully using the highway. He was violating a law made for their protection against him; accordingly he was a trespasser as to them. It follows that the defendant, which was lawfully using the highway with its cars, owed to the plaintiff no other or further duty than that which it would owe to any trespasser upon its property, that is, not the duty of ordinary care, as those words are commonly used, but merely the duty to abstain from injury to him by wantonness or gross negligence. The legislature, in the opinion of a majority of the court, intended to outlaw unregistered machines, and to give them no other right than that of being exempt from wanton or wilful injury.

Anyhow, motorists who venture with their machines upon the sacred soil of Massachusetts, and stay there sixteen days without registering them, know now what to expect if by ill-luck they have a mix-up and smash-up.

FIREWORKS AT STEEPLECHASE TONIGHT

Another elaborate display of fireworks will be given at Steeplechase Island this Saturday night, in connection with the thrilling performance of the high diving horses and Dare Devil Dash, who risks his life twice a day in executing his wonderful aerial feat. In addition to these two acts Vallette's Leopards will open an engagement on Sunday. That intrepid young woman enters a den of five ferocious leopards, and at her command they perform a wide variety of stunts. The bathing at the island is the best and with Mrs. A. R. Payne in charge, women are guaranteed absolute privacy and the best attention.

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Battle of Stallions Glenwood Falls Dead

Lynchburg, Va., June 26.—On the farm of Duval Radford, at Forest, about eighteen miles from here, Glenwood, a noted stallion, by St. Leonard, who was imported by James R. Keene, and Champion, another well known stallion, much heavier than Glenwood, engaged yesterday in a battle which resulted in the death of Glenwood.

No men were on the farm when one of the stallions broke from his stall and charged the other in a field. Both reared on their hind feet and, roaring like wild beasts, they bit and pawed at each other until Champion secured a death grip on Glenwood's throat, which he held until the stallion fell dead. The women on the place, who were the only witnesses, were greatly terrified and sounded the country fire alarm. Many men gathered quickly, but only to find the valuable stallion dead.

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SUES FOR LOVE OF DEAD MAN

Strange Breach of Promise Action Brought by Actress in New Haven.

New Haven, June 26.—One of the strangest suits ever brought in the Superior court of New Haven county was that heard yesterday before Judge Shumway. It is an action brought by Adelaide Cumming (Davis) against Rubin Fax, now dead, and the question to be decided is whether or not a breach of promise suit can be maintained after the person sued is dead.

Miss Cumming, in February, 1908, brought suit against Mr. Fax for \$10,000 for breach of promise, and at that time the defendant filed a bond of \$5,000. In August last Mr. Fax died, and now the plaintiff seeks to recover the full amount from his estate. It was stated in court that while Mr. Fax left an estate in New York the suit might be maintained here, where it was brought.

After a recital of the facts Judge Shumway decided that the only way that the case might be formally brought before the Superior court would be after letters of administration had been granted here. The matter therefore has gone over until the second Tuesday in September, and in the meantime the necessary letters of administration will be taken out.

Mr. Fax, at the time the action was brought, was playing with David Warfield and Miss Cumming also was on the stage.

MASSSES AT ST. JOSEPH'S CHURCH.
Masses on Sundays during June, July and August at St. Joseph's German R. C. church, Madison avenue, Rev. Father Hubert Dahme, pastor, will be at 8 and 10 a. m.

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